

Applicants : Joseph S. Stam et al.  
Appln. No. : 10/677,453  
Page : 2

### REMARKS

Turning to paragraph 1 of the Office Action mailed May 10, 2004, the Examiner has made a restriction requirement requiring Applicants to elect one of the following six groups of claims: I (those claims "drawn to a combination vehicle light control system comprising: a sim counter, undim counter, an image acquirer operated at 240 frames per second; an AC powered light source identifier; and an external source of light identifier"); II (those claims "drawn to a vehicle light controller with only an undim counter"); III (those claims "drawn to a vehicle light controller with only a dim counter"); IV (those claims "drawn to a vehicle light controller with only an image acquirer operated at 240 frames per second"); V (those claims "drawn to a vehicle light controller with only an AC powered light source identifier") and VI (those claims "drawn to a vehicle light controller with only an external light identifier").

Applicants respectfully elect, with traverse, group IV (claims 13-16), which includes claims corresponding to an automatic vehicle exterior light control, comprising: an image array sensor and a controller configured to acquire images at a rate greater than, or equal to, two hundred forty frames per second, wherein said controller is further configured to generate an exterior light control signal as a function of said images.

Applicants respectfully submit that claims 1-26 are all directed to an automatic vehicle exterior light control, comprising: a controller configured to generate an exterior light control signal. The Applicants feel that it is a mischaracterization of the claim set to read out these limitations.

Applicants : Joseph S. Stam et al.  
Appln. No. : 10/677,453  
Page : 3

Applicants further submit that the requirement is otherwise improper and should be withdrawn. MPEP §806.05 sets forth the requirements for making a proper restriction based on related inventions.

Turning to paragraph 2 of the Office Action, the Examiner has specifically relied upon MPEP §806.05(c) as providing a valid basis for restriction. MPEP §806.05(c) provides a specific example that Applicants feel is pertinent when the pending claims are read with regard to the above mentioned common features:

To support a requirement for restriction, both **two way distinctness** and reasons for insisting on restriction are necessary, i.e. separate classification, status, or field of search. See MPEP §808.02.

## II. SUBCOMBINATION ESSENTIAL TO COMBINATION

### AB<sub>sp</sub>/B<sub>sp</sub> No Restriction

If there is no evidence that combination AB<sub>sp</sub> is patentable without the details of B<sub>sp</sub>, restriction should not be required. Where the relationship between the claims is such that the separately claimed subcombination B<sub>sp</sub> constitutes the essential distinguishing feature of the combination AB<sub>sp</sub> as claimed, the inventions are not distinct and a requirement for restriction must not be made, even though the subcombination has separate utility.

In light of the above, the Applicants request that the Examiner reconsider the restriction requirement and regroup claims 1-26 and proceed to examination on the merits. Secondly, the Applicants would request that the Examiner consider regrouping of claims 1-16. Claims 1-16 have a common feature in addition to those mentioned above in that all claims recite an image array sensor. The Applicants request, at a minimum, that the Examiner consider regrouping claims 1-12. Claims 1-12

Applicants : Joseph S. Stam et al.  
Appln. No. : 10/677,453  
Page : 4

even have an additional common feature in that all claims recite the use of a counter to track the number of frames comprising a light source of interest. Finally, the Applicants request that claims 1 and 2 be rejoined with the above elected claims.

Therefore, the Applicants respectfully submit that the pending claims do not define related inventions in the meaning of MPEP §806.05. All of the pending claims recite open claim language due to the presence of the transitional phrase "comprising," and thus the components of the structure shown and described in the applications do not constitute **two way distinctness**. One would not have to be implemented to the exclusion of the other.

For the reasons stated above, Applicant submits that the requirement for election of related inventions as stated in the Office Action is improper and should be withdrawn. The Applicant, therefore, requests that the Examiner withdraw the requirement for election of related inventions and proceed to examine claims 1-26. Please contact the undersigned should there be any questions.

Respectfully submitted,

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By: Gentex Corporation

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Date

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